



Australian Labor Party Members' Dissenting Report

Mr Tony Zappia MP (Deputy Chair); the Hon. Mark Butler MP; the Hon. Mark Dreyfus QC, MP; and Mr Andrew Giles MP.

In presenting our dissenting report Labor members of the Committee do not believe that the Committee report fairly reflects the divergent submissions presented in the course of the inquiry.

Nor are several of the conclusions and recommendations contained in the report supported by the evidence presented to the inquiry.

Most egregiously, the report makes positive mention of the balance between environmental and regulatory concerns, but evidences no consideration of potential benefits arising from delaying projects to allow for proper and thorough consideration of applications that may cause permanent harm to Matters of National Environmental Significance (MNES). Put simply, the report does not address the balancing the competing considerations but rather assumes that in every case the appropriate outcome is a quick approval.

Any changes to environmental regulations that simplify assessment processes, reduce time and costs and that create uniformity across all jurisdictions, should always be balanced against the importance of maintaining sound environmental protections.

In our view the report does not address the social and economic values of the natural environment and how these values are measured.

Duplication of the respondent state and federal legislation for MNES is asserted by the report as a regulatory burden.

However, the report cites the assertions of a select few industry groups to substantiate the report's own assertions in support of this argument.

Labor members note the recent OECD Working Paper on environmental policies which found that there was no link between more stringent environmental policies and lower productivity across the economy. In fact it found that more technologically advanced industries can benefit from more stringent policies, while '...the tightening of environmental policy stringency is found to have no longer-term effects on productivity growth...'

Labor members note the Environment and Communications Legislation Committee report on the *Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012*, which found that no empirical evidence had been supplied to support the argument that Commonwealth involvement was hampering assessment processes.

Labor members note the extensive consultation conducted as part of the COAG process towards the harmonisation of the approval process for MNES.

Labor members note the Australian Labor Party Senator's Dissenting Report to the Senate Environment and Communications Legislation Committee report into the *Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 [Provisions]* and the *Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014 [Provisions]*, which was released on June 2014 and concur with the findings in the dissenting report.

Labor members note the decision of the UN's World Heritage Committee in June 2014 which held that the delegation of approval powers on the Great Barrier Reef World Heritage Area to the Queensland Government was 'premature'.

Labor members agree that opportunities for streamlining state and federal assessment processes should be pursued, but only in a way that ensures that existing standards will be retained or strengthened.

While Labor continues to support streamlining environmental assessment processes for major projects, final approval on matters of national environmental significance should remain with the national government. In particular:

- World heritage properties
- National heritage places
- Wetlands of international importance
- Listed threatened species and ecological communities
- Migratory species

- Nuclear actions
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- A water resource, in relation to coal seam gas development or large coal mining development

Labor members note that should the report's recommendations be applied, the approval of World Heritage sites, nuclear activities such as uranium mining and species protected under international treaties will be put in the hands of state governments.

In respect to delegation of powers to state governments, Labor members note that the Abbott Government is also attempting to allow state governments to accredit local governments to approve developments that have an effect on matters of national environmental significance. This would further delegate environment protection powers, meaning that environmental matters which are the subject of international treaties could be considered by local government.

Conclusion

Labor members do not believe that the case has been made for the delegation of environmental protection powers to the states and it is our view that delegating these powers to the states will result in a weakening of environmental protections and inconsistency in decision making.

Labor members reject paragraph 4.70 (page 49) of the of the Committee report. Labor does not support the 'One Stop Shop' policy of the Government for reasons outlined above. Labor members also note that the *Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014* has not passed the Senate, leaving bilateral agreements with states and territories in limbo.

Labor members also reject paragraph 4.93 (page 55) of the Committee report. Labor does not believe that the weight of evidence provided to the Committee supports the view that the 'One Stop Shop' approach will lead to greater consistency or efficiency across jurisdictions.

Labor members believe that under 'Recommendation 2' the term "Risk Based Terms of Reference" must be defined.

All other recommendations in the report are not opposed.

Mr Tony Zappia MP
Deputy Chair

Hon Mark Butler MP
Member

Hon Mark Dreyfus QC, MP
Member

Mr Andrew Giles MP
Member